

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, scallop solids, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was a product composed in part of water and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On May 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13518. Adulteration and misbranding of olive oil. U. S. v. Nicholas Sadaka. Plea of guilty. Fine, \$10. (F. & D. No. 16838. I. S. Nos. 5535-t, 5536-t, 5537-t.)**

On March 12, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Sadaka, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1921, from the State of New York into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. One article was labeled in part: "Puritana Brand Virgin Olive Oil Lucca Toscana Contents 1 Gallon." The other article was labeled in part: "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cottonseed Salad Oil Slightly Flavored With Olive Oil."

Analyses of samples of each article by the Bureau of Chemistry of this department showed that they consisted chiefly, if not entirely, of cottonseed oil. Examination of 16 cans of the Puritana brand oil and 22 cans of the table oil showed an average of .807 gallon and .797 gallon, respectively.

Adulteration was alleged in the information with respect to the Puritana brand oil for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil which the article purported to be. Adulteration was alleged with respect to the table oil for the reason that cottonseed oil had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Finest Quality Table Oil Termini Imerese Type" and "Net Contents One Gallon," together with the design and device of an olive tree with natives gathering olives, with respect to one product, and the statements, to wit, "Olive Oil," "Lucca" and "Contents 1 Gallon," together with the design and device of an olive branch and the map of Italy, with respect to the other, borne on the labels of the cans containing the article, were false and misleading, in that the said statements and designs represented that the articles were olive oil, that each of the said cans contained 1 gallon of the article, and that one article was a foreign product produced in Lucca, Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were olive oil, that each of the said cans contained 1 gallon thereof, and that one article was a foreign product produced in Lucca, Italy, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, each of said cans did not contain 1 gallon of the article but did contain a less amount, and it was not a foreign product but was a domestic product produced in the United States of America. Misbranding was alleged with respect to the said Puritana brand oil for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was produced, and for the further reason that the statements, designs, and devices borne on the cans purported the article to be a foreign product when not so. Misbranding was alleged with respect to both of the

products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13519. Misbranding of oysters and adulteration and misbranding of scallops. U. S. v. Albert L. Doughty. Plea of guilty. Fine, \$50.** (F. & D. No. 19256. I. S. Nos. 2355-v, 2356-v, 2977-v, 15883-v, 15884-v.)

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert L. Doughty, trading at Willis Wharf, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about January 29 and 30, 1924, respectively, from the State of Virginia into the State of New York, of quantities of oysters which were misbranded and of a quantity of scallops which were adulterated and misbranded, and on or about January 29, 1924, from the State of Virginia into the State of Pennsylvania and New York, respectively, of quantities of scallops which were adulterated and misbranded. The cans were labeled in part: "Minimum Volume 1 Gallon."

Examination of the articles by the Bureau of Chemistry of this department showed that the scallops contained added water and that the cans contained less than 1 gallon of the respective products.

Adulteration of the scallops was alleged in the information for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that added water had been substituted for scallops, which the article purported to be.

Misbranding was alleged with respect to both products for the reason that the statement, to wit: "Minimum Volume 1 Gallon," borne on the cans containing the respective articles, was false and misleading, in that the said statement represented that each of said cans contained 1 gallon of scallops or oysters, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of scallops or oysters, as the case might be, whereas each of said cans did not contain 1 gallon of the respective products but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13520. Adulteration and misbranding of horse and mule feed. U. S. v. Norfolk Feed Milling Co. Plea of guilty. Fine, \$50.** (F. & D. No. 19245. I. S. Nos. 955-v, 966-v, 3444-v.)

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Norfolk Feed Milling Co., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about May 26 and November 16 and 27, 1923, respectively, from the State of Virginia into the State of North Carolina, of quantities of horse and mule feed which was adulterated and misbranded. Two consignments of the product were labeled in part: "Norfeeco Horse And Mule Feed Manufactured By Norfolk Feed Milling Co., Inc., Norfolk, Virginia Guaranteed Analysis Protein 9 per cent \* \* \* Fat 2 per cent Fibre 12 per cent Made from Corn, Oats, Alfalfa, Molasses and Ground Grain Screenings." The remaining consignment of the product was labeled in part: "Blue Ridge Horse And Mule Feed 90% Grain Manufactured By Norfolk Feed Milling Co., Inc. Norfolk, Virginia Guaranteed Analysis Protein 10 per cent."

Analyses by the Bureau of Chemistry of this department of a sample from each of the two consignments of Norfeeco feed showed that the said samples